SINGLE BENCH

(3)

C.S. 1001

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 5168 OF 2005

PETITIONERS : Ku. Preeti Soni, aged about 25 years, D/o Shri Narottam Soni, Student of Anusha Memorial Medical Institute, Pendra, District Bilaspur (C.G.), and R/o Pendra, District Bilaspur (C.G.).

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VERSUS

RESPONDENTS :

1. State of Chhattisgarh, Through: Secretary, medical Education, Govt. of Chhattisgarh, Mantralaya, Bhawan, Raipur (C.G.).

2. Guru Ghasidas University, Bilaspur (C.G.), Through: The Registrar.

3. Maharshi Ashtang Organization, Through: Anusha Memorial Medical Institute Pendra Road, District Bilaspur (C.G.).

5317/05
P.R. No.
Presented by Shri Pawan Kr. Sharma
dated 17/10/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION ETC.

(17)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP No. 5168/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	07.11.2005 Shri Ashok Soni, Advocate for the petitioner. Shri Yashwant Singh Thakur, Govt. Advocate for respondent No.1. Shri Amrito Das, Advocate for respondent No.2. By this writ petition the petitioner has prayed for calling the answer sheet of Anatomy subject of petitioner pertaining to the examination held in the month of October, 2004 and to direct the respondent authorities to revaluate the answer sheet of Anatomy subject. The petitioner's case is that she appeared in the annual examination of 1st year of 3 years Diploma course held in the month of October & November 2004 in Anusha Memorial Medical Institute at Pendra Road, District Bilaspur. The petitioner appeared in the examination with full preparation but when the result was declared she was declared fail in Anatomy subject. Thereafter, the petitioner applied for revaluation of answer sheet of Anatomy subject but it was informed that there is no change. Further case of the petitioner is that she is a very intelligent student, she has secured very good marks in High School & Higher Secondary School examinations and on account of failure of petitioner in one subject she has not been permitted to take admission in the 2nd year. Whereas earlier there was a system that if any student declared fail in one or more subject, he/she was allowed to take admission in the next year course. I have heard learned counsel for the parties.	

(18)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 5168/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned counsel for the petitioner argued that the petitioner is a very brilliant student, she answered all the questions and therefore, she was expecting at least 80% marks, whereas, she has been granted 107 marks out of 220 marks. It is an admitted position that on the request of the petitioner revaluation has already been conducted by respondent No.2-University in which no change has been found. Therefore, when the revaluation has already been done in which no change has been found and the petitioner has not been able to make out a case that the revaluation has not been conducted properly. Unless the petitioner has raised any ground of malafide or tampering with answer sheets or gross negligence resulting in injustice to the petitioner, I am of the opinion that the Court is not entitled to invoke the extra ordinary jurisdiction under Article 226/227 of the Constitution of India to interfere with the result declared by the respondent No.2-University that too on revaluation. In the result, the petition of the petitioner is liable to be dismissed and it is, accordingly, dismissed. In view of above order, I.A. No.9045/05 stands disposed of. **Sd/-** **L.C. Bhadoo** **Judge**
Roshan/-		

9/1/08 16/1/08 13/1/08